



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

March 30, 1998

Public Hearing: Hutchins Road, Lot 2 - Special Permit for Common Driveway, Tall Pines Realty Trust, applicant

Discussion of "informal conceptual plan" for subdivision of land at 361 Acton Street, as per Rules and Regs., Art. II, Sec. 5A(3) (Bob Koning)

Continued Public Hearing: Stearns Street (Malcolm Meadows) - Amendment to Special Permit for Senior Residential Open Space Community, Northwest Structures, Inc., applicant

Fielding Farm Drive (Cross St.) - Applicants' response to request for compliance with Common Drive Special Permit plans

Discussion of strategy with regard to pending litigation, Valchuis et al. v Planning Board (Executive Session)

Report from Rules and Regulations Subcommittee

Request to schedule public hearing for Distinctive Structure Preservation Bylaw amendment (Town Administrator)

Vice Chair Hengeveld called the meeting to order at 7:30 p.m. Members Abend, Duscha, Epstein, LaLiberte and Tice were present. Also present was Planning Administrator George Mansfield. David Ives of the *Mosquito* was also present. Chair Yanofsky was absent from this meeting.

The **minutes** of the meeting of March 9, 1998 were reviewed with minor corrections made for clarification. Tice **moved to accept the minutes as amended**. Duscha seconded and the minutes were accepted 4-0-2 with Abend and Hengeveld abstaining.

While **bills** circulated, Abend reported that a request for a laptop for the Planning Board secretary/recorder had been approved by Long Term Cap. A computer for the PA is being requested through funding for the Town Offices.

Tice reported that the Board is anticipating an estimated shortfall of \$1,000. He recommended asking Fin.Com. for a reserve fund transfer. The PA will forward a request to the Town Administrator.

Mansfield presented a signed copy of the contract with Judith Nitsch Engineering, awaiting signature by the Board. It had just been received today. He noted that the Board had agreed to sign this contract at the last meeting although some minor additions have been made. LaLiberte recommended a more careful review of the document before signing.

Public Hearing: Hutchins Road, Lot 2 - Special Permit for Common Driveway, Tall Pines Realty Trust, applicant

Jody Minkle of Stamski and McNary was present to present the Common Driveway plan on behalf of the applicant. Board member Hengeveld recused herself from this hearing and LaLiberte assumed the chair. No other members of the public were present.

Minkle explained that Cons.Com. requested that the driveway for Lot 2 be relocated to Lot 3A in order to protect endangered species located on Lot 2. She then went over her responses to comments from Judith Nitsch Engineering. These responses were stated in Minkle's March 30, 1998 letter to Mansfield. She also presented the revised septic plan and drainage calculations for Tall Pines subdivision. Minkle explained that a full plan had not been drawn since the driveway was only considered common because it entered from another lot yet only served Lot 2.

The Board agreed that Judith Nitsch should review these responses from Minkle. They also asked Minkle to prepare another plan to include a signature block. Epstein requested that the plan state that this driveway serves only Lot 2.

Abend **moved to continue the public hearing to April 13, 1998 at 8:55 p.m.** Tice seconded and the Board approved the motion 5-0.

Discussion of "informal conceptual plan" for subdivision of land at 361 Acton Street, as per Rules and Regs., Art. II, Sec. 5A(3) (Bob Koning)

Bob Koning and his representative Bill McNary of Stamski and McNary were present for this discussion. Also present was Rob Koning.

McNary explained that this subdivision had been approved in 1988 with an order of conditions from Cons. Com. Both permits had since lapsed and the applicant is now interested in reapplying. McNary presented the previously approved plans and explained that the applicant wishes to follow these plans as much as possible. The original proposal was for a six lot subdivision. The new plan will have only five lots in order to maintain an existing field. McNary explained that the design of the detention basin may change due to new regulations.

McNary then went over the possible waivers as stated in his February 20, 1998 letter to Bob Koning. Mansfield asked to see the Certificate of Approval of the original plan to see what waivers were granted at that time. In addition to the waivers stated by McNary, Abend noted that an additional waiver would be required in order to access five lots from a cul-de-sac.

The plans showed a subdivision road of approximately 980 feet ending in a cul-de-sac from which a common drive continues approximately 600 additional feet to service the five lots. The Board expressed concern over the Town's responsibility for plowing the public way and the ability for plows to use the T-turnaround..

Koning explained that there is currently access to the site for tractors, but the scenic wall along Acton St. would need to be disturbed an additional 30 feet to build the subdivision road. He also verified that there was no existing trail system on the property other than the cart path used as access to the field and for logging.

Mansfield verified that the land is not in Chapter 61A and not designated for preservation in the open space plan.

The Board discussed other options for the road layout and Epstein said he would prefer to see the entire length of roadway be private. He also asked the applicant to minimize road and driveway grades and to show significant trees in the right-of-way along Acton St. on the plan. The Board asked McNary to improve the design of the turn-around. Duscha recommended that the applicant have a discussion with Cons. Com. given the extent of the wetlands on this site.

Continued Public Hearing: Stearns Street (Malcolm Meadows) - Amendment to Special Permit for Senior Residential Open Space Community, Northwest Structures, Inc., applicant

Attorney Steve Graham was present to represent Northwest Structures. The following members of the public were also present for this hearing: Leonora and Albie Jarvic, R.

Merrill, R. Borden, Ruth and Bill Reeder all of 319 Stearns St., Tom Rice of 216 Hutchins Road, Debbie and Steve Webster of 322 Stearns St. and Greg Felch of 350 Stearns St.

Graham presented the revised planting plan and noted that the arborvitae around the cistern had been added to the plan. He said he had spoken with Capt. White of the Fire Dept. who recommended one additional arborvitae to screen the light on the cistern from the residents.

Debbie Webster stated that some birches had been planted, but not in the location shown on the plan and there were also no evergreens as planned. She felt that the partial planting to-date may need to be relocated in order to allow for other plantings shown on the plan.

Greg Felch noted that because the cistern location was changed, there is now inadequate screening from the road. He would like to see the intent of the original plan restored.

Tom Rice reiterated his concerns over the reliability of the developer. Debbie Webster noted that two of the pines planted are already dying. Graham said that under the agreement the developer is initially responsible for maintenance of the landscaping until it is turned over to the Homeowner's Association. He thought the last unit would be completed by summer.

Mansfield said that Eunice Knight of the Conservation Foundation was unable to attend this hearing, but wished to reinstate the eight trees removed from the original plan, south of the parking area.

Epstein felt uncomfortable approving the plan without advice from landscaping professionals. He asked that Beals and Thomas attend the next hearing to field questions and comments. Tice questioned the guarantee of the success of the plantings. Debbie Webster noted that Peabody had stated he would be responsible for watering the new plantings, but it was unclear as to how long he would continue this.

The Board concluded that more landscaping is necessary. Specifically, the birches need to be moved and 9 pine trees added to the plan along with a guarantee that the plantings will thrive.

Bill Reeder noted that the boulders placed to the right of the driveway entrance onto Stearns St. impair sight distances when exiting the property.

Greg Felch felt that the arborvitae were too institutional and preferred the use of more "natural" landscaping.

LaLiberte moved to continue the hearing to April 27, 1998 at 7:45 p.m. Tice seconded and the Board approved 6-0.

Fielding Farm Drive (Cross St.) - Applicants' response to request for compliance with Common Drive Special Permit plans

Present for this discussion was John Fielding of 121 Lee Drive, Concord, Michael Lohrer of 12 Cole Road, Wayland and John Blanz of 282 E. Riding Drive.

Mansfield explained that he had been out at the site and according to his measurements, the largest turnout as constructed was 20 ft. although they are all designed to be 30 ft. He added that they are constructed as semi circles. The Board agreed that these would need to be built as designed.

Because some ledge still needs to be removed, Mansfield explained that the BOH has expressed concerns over the use of blasting, especially when there are wells in the area. Blanz said that his well is already operational and he plans to move into his residence in May. Fielding said that the driveway will most likely require blasting to remove the ledge. According to a March 25, 1998 letter from Fielding to the PB, the work on the driveway will begin in early April and is expected to be completed by the end of May.

Hengeveld proposed to table this discussion until the work is completed. Fielding will report to the Board at that time.

(Duscha excused herself from the remainder of the meeting.)

Discussion of strategy with regard to pending litigation, Valchuis et al. v Planning Board (Executive Session)

At 9:45 p.m., Epstein **moved to go into executive session.** Tice seconded. The Board was polled and unanimously agreed to go into executive session.

Town Counsel Rick Hucksam was present for the executive session.

At 10:00 p.m., Tice **moved to return to regular session.** LaLiberte seconded. The Board was polled and unanimously agreed to return to regular session, to enter into a settlement discussion with the plaintiff.

Present for this discussion were Michael and David Valchuis and their representatives attorney Howard Speicher and engineer Bill McNary. Also present was property owner Dick Wells of Berry Corner Lane.

Speicher explained that the reason the Planning Board denied the proposed ANR was that it could not approve more than 5 lots on this road. Speicher questioned the safety concerns of a sixth house on the 13 acre parcel. He explained that the existing road is 16-18 feet wide and that a T-turnaround is proposed on the new lot.

Board members asked if the plaintiffs would be willing to pave the road and if there was a maintenance agreement for it. Speicher said they will not pave it because it is approximately 1200 feet and they are adding only one house. The T-turnaround and driveway access to the new lot will be located at approximately 850 feet. Regarding a maintenance agreement, Wells explained that there is no formal agreement. Residents simply pool their funds when work is needed. Speicher stated that there is an agreement in escrow signed by the six owners of the road. Each agreed to pay 1/6 of the maintenance costs of the roadway if the Lot is approved. LaLiberte asked if the cul-de-sac at the end of the road could be considered as an easement and if it could be improved. Speicher said he did not wish to complicate the issue since the Valchuses do not own that property.

It was noted that the Town currently plows this road and that the Fire Chief confirmed that the turnaround is inadequate.

LaLiberte said that this plan needs to be presented to the Board's engineer to see if it meets the standard for a common drive. Speicher recommended that McNary work directly with the Board's engineer and the Fire Chief. Epstein recommended that McNary design the road based on the standards for a common drive.

McNary suggested that a site walk with the Board, DPW and the Fire Chief might minimize the amount of technical work on this project. He could furnish a plan for the proposed turnout. Abend said that if the Town is plowing the road, it must conform to some minimum standards. McNary recommended a "narrative plan" plus a design of the turnout. This could then be followed up with a site walk.

The Board asked the applicant to provide a letter agreeing to pay engineering review costs. The applicant asked for the approximate cost. The PA agreed to provide this within one week. McNary will draw up a plan of the road for the Board to review. Abend asked McNary to make every effort to provide a pull-out approximately every 300 feet.

The discussion will be continued on May 12, 1998 at 8:15 p.m. A site walk will be scheduled in early May after the plans are received, and which McNary agreed to provide by May 1, 1998.

Report from Rules and Regulations Subcommittee

Epstein reported that the public hearing is scheduled for April 13, 1998 at 7:30 p.m. Additional changes since the last subcommittee meeting were pointed out. Epstein thanked all Board members for the extra time and effort put into review of the Rules and Regulations.

Request to schedule public hearing for Distinctive Structure Preservation Bylaw amendment (Town Administrator)

The PB will hold this public hearing on April 27, 1998. Vivian Chaput will be presenting this bylaw amendment at Town Meeting with Planning Board recommendation.

Epstein **moved to adjourn**. Abend seconded and the Board agreed to adjourn 5-0 at 10:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Anja M. Stam". The signature is fluid and cursive, with the first name "Anja" and last name "Stam" clearly legible.

Anja M. Stam
Recording Secretary